



MEMO

Date: November 20, 2015

To: Commissioners Court

From: Tracy Homfeld, PE; Collin County Engineering Department

Subject: Commissioners court consideration regarding procedures for Plat revision for the Replat of Lavon Hills Lots 81B1 and 81B2 as stipulated by LGC 232.041, Revision of Plat

The owners of Lot 81B are seeking to subdivide the 3.004 acre lot 81B into two 1.502 acre lots. Local Government Code 232.041 requires that notice be given to affected parties prior to a decision by the Commissioners Court, but the statute allows the Court two options in the consideration of who is affected. In addition to determinations for this specific request, staff would like to get guidance from the Commissioners Court for the procedures for future requests.

Option A would require that notice be given to owners of lots within 200 feet of the lot to be revised and notice be posted on the County's website for 30 days prior to the Commissioners Court meeting to consider the request. Option B requires publishing a notice in a newspaper three times over 30 days and send certified letters to all lot owners in the subdivision. The decision by the Commissioners Court as to whether to use Option A or Option B must be based on the Court's determination that the lot revision affects or does not affect a public interest or public property (park, road, school, etc.)

The statute does not provide any guidance for such a determination. It seems that the proposed lot revision would have to change the nature of the traffic on a road or the attendance at a school or park in order to constitute an effect to a public property. However, determining the public interest is a little more allusive. The most obvious concern of owners of nearby lots would be the effect of this request on their property values. Option A would notify lot owners within 200 feet directly and others indirectly through the County website. One question is whether or not public interest means all lot owners in a subdivision should be notified (public interest?). Another question is whether or not public interest refers to "interests" outside the subdivision.

Another issue with which we request guidance is concerning the newspaper publishing for Option B. The statute requires that the notice be published in a newspaper "of general circulation". It is not as easy to determine what "general circulation" means in a county as it is in a city. The only newspaper that covers all of Collin County is the Dallas Morning News (DMN). The cost of publishing notices in the DMN is very expensive, especially for publishing three times. An alternative conclusion could be that the notice be published in a newspaper that circulates in the smaller area in which the lot in question resides.

ACTION

- 1) ***In order to proceed with Public notification, Staff seeks consideration of the determination as to whether a public interest or public property of any type, including, but not limited to, a park, school, or road has been affected.***
- 2) ***Consider the newspaper that the county may publish these types of notices in moving forward. This may need to be done by a separate court order.***